

HOUSE BILL 599  
By McDonald

AN ACT to amend Tennessee Code Annotated, Section 8-8-102,  
relative to qualifications for the office of sheriff.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-8-102, is amended by deleting the  
section in its entirety and by substituting instead the following:

(a) To qualify for election or appointment to the office of sheriff, a person shall:

(1) Be a citizen of the United States;

(2) Be at least twenty-five (25) years of age prior to the date of  
qualifying for election;

(3) Have been a resident of the county in which he or she seeks  
the office of sheriff for at least one (1) year immediately prior to the  
qualification date of election for sheriff;

(4) Be a qualified voter of the county;

(5) Have obtained a high school diploma or its equivalent in  
educational training as recognized by the Tennessee Board of Education  
and by the Tennessee Peace Officer Standards and Training  
Commission (POST).

(6) Not have been convicted of or pleaded guilty to or entered a  
plea of *nolo contendere* to any felony charge or any violation of any

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federal or state laws or city ordinances relating to force, violence, theft, dishonesty, gambling, liquor or controlled substances, or a misdemeanor crime of domestic violence;

(7) Be fingerprinted and have the Tennessee Bureau of Investigation make a search of local, state and federal fingerprint files for any criminal record. Fingerprints are to be taken under the direction of the Tennessee Bureau of Investigation ninety (90) days before the close of qualification date for the election to the office of sheriff;

(8) Not have been released or discharged from the armed forces of the United States with any discharge other than an honorable discharge;

(9) Have been certified by a qualified professional in the psychiatric or psychological fields to be free of all apparent mental disorders as described in the Diagnostic and Statistical Manual of Mental Disorders, Third Edition (DSMIII), or its successor, of the American Psychiatric Association; and

(10) Possess a current and valid peace officer certification as issued by the Tennessee Peace Officer Standards and Training Commission as provided in Sections 38-8-101(a)(1) and (2), 38-8-106 and 38-8-111(f)(3), as defined in Chapter 8 of Title 38, within twelve (12) months prior to the close of qualification for the election for the office of sheriff.

In the event that certification for peace officer is inactive or no longer valid, proof of the intent to run for the office of sheriff shall be presented to the POST commission for approval to challenge the POST

certification examination, provided all requirements are met as set forth in this section and those set by the commission.

(b) Any person seeking the office of sheriff shall file with the Peace Officer Standards and Training Commission an affidavit sworn to and signed by the candidate affirming that the candidate meets the requirements of this section within ninety (90) days before the close of qualification for the election of sheriff. The Peace Officer Standards and Training Commission shall verify POST certification on any person seeking the office of sheriff who meets these provisions. The original notarized verification form from POST along with such person's nominating petition shall be filed with the county election commission.

(c) Every newly elected sheriff in his or her first term shall be required to complete a training session of no less than forty (40) hours, to be taught at the Tennessee Law Enforcement Training Academy. The curriculum shall be developed by the Tennessee Sheriffs' Association and approved by the Tennessee Peace Officer Standards and Training Commission. Any newly elected sheriff who does not fulfill the obligations of this subsection shall lose his or her powers of arrest.

(d) These qualifications apply to all counties with the exception of any metropolitan county where the sheriff does not have law enforcement powers. Those counties will be exempt from subsection(a)(10) of the provisions of this section.

(e) Any sheriff who currently holds the office of sheriff will be exempt from the provisions of this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring

it.